

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RODNEY BROWN,

Plaintiff,

- v -

Civ. No. 9:08-CV-085

A. SECORE and LT. GUERIN,

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation dated February 12, 2010 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation for the reasons stated therein.

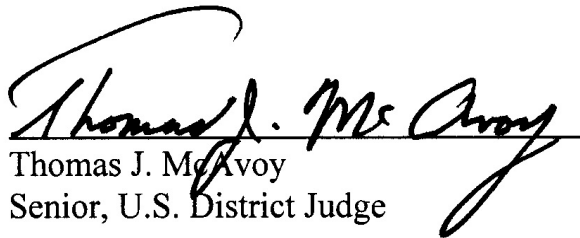
It is therefore,

ORDERED that Defendants' Motion for Summary Judgment (Dkt. No. 41) is

GRANTED and the action is **DISMISSED** in its entirety. The Clerk of the Court is instructed to enter judgment in favor of Defendants and to close the file in this matter.

IT IS SO ORDERED

DATED: March 15, 2010


Thomas J. McAvoy
Senior, U.S. District Judge